

FILE COPY

BEFORE THE STATE OF WISCONSIN  
EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS  
AND LAND SURVEYORS

IN THE MATTER OF  
THE INVESTIGATION OF

MARK R. WENDT, R.L.S.,  
LICENSEE.

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MEMORANDUM AND ORDER  
ON SETTLEMENT CONFERENCE

TO: Donald E. Carroll  
Attorney at Law  
301 North Hamilton Street  
Madison, WI 53703

Sherry Steffel  
Attorney at Law  
1400 East Washington Avenue, Room 183  
P.O. Box 8935  
Madison, WI 53708

A settlement conference was conducted in the above-captioned matter before the Land Surveyors Section of the Examining Board on October 19, 1988. The purpose of the conference was to provide all interested parties with an opportunity to discuss allegations received pertaining to the practice of Mr. Wendt as a registered land surveyor, and to attempt to reach a fair resolution of the matter.

Presiding over the conference was Donald L. Paulson, Chairman of the Land Surveyors Section. Also present were other members of the section, the Board's legal counsel, and Attorney Sherry Steffel of the department's Division of Enforcement, who was present to provide information concerning the allegations against Mr. Wendt. Mr. Wendt appeared in person and by his attorney, Donald E. Carroll.

The parties orally presented their respective positions regarding the matter to the section, and the section deliberated on a possible disposition of the matter. The section thereafter presented to Mr. Wendt a Proposed Stipulation. The Stipulation, a copy of which is attached hereto and made a part hereof, was ultimately executed by Mr. Wendt, Mr. Carroll, Mr. Paulson, and Ms. Steffel.

Based upon the proceedings at the conference, and upon the Stipulation of the parties, the Board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that Mark R. Wendt, R.L.S., be, and hereby is, reprimanded.

Dated at Madison, Wisconsin this 12 day of <sup>JANUARY 89</sup>~~December~~, 1988.

STATE OF WISCONSIN EXAMINING BOARD  
OF ARCHITECTS, PROFESSIONAL ENGINEERS,  
DESIGNERS AND LAND SURVEYORS

by Donald L. Paulson  
Donald L. Paulson, R.L.S., P.E.  
Chairman, Land Surveyors Section

DLP:WRA:gad  
BDLS-346

6. In completing the map of survey referred to in paragraph 4, above, Wendt erred in transposing the west and east boundaries of the property. He did not correct the map of survey until August 26, 1986, despite repeated requests to do so by the property owner.

7. Both the original map and the corrected map failed to set forth a waiver provision meeting the requirements of Wis. Adm. Code sec. A-E 7.01(2), by not stating in plain language the agreement as to those requirements waived.

8. Wendt failed to file a copy of the champion survey map in the office of the Dane County Surveyor as required by Wis. Stats. sec. 59.60(2).

9. On May 27, 1986, Wendt, as an employee of Mortgage Survey Associates, completed a survey and a map of survey of residential property identified as 120 North Grove Street, Mt. Horeb, Wisconsin, owned by James and Michelle Vosberg. Mortgage Survey Associate's client in performing the survey was Preferred Title Service, Madison, Wisconsin.

10. The survey of the Vosberg property was what is commonly referred to as a "mortgage survey," and by Preferred Title Service's undated survey order, the survey was to exclude surveying work included within the requirements of Wis. Adm. Code Ch. A-E7.

11. The survey map for the Vosberg survey failed to set forth a waiver provision meeting the requirements of Wis. Adm. Code sec. A-E 7.01(2), by not stating in plain language the agreement as to those requirements waived.

12. Wendt failed to file a copy of the Vosberg survey map in the office of the Dane County Surveyor as required by Wis. Stats. sec. 59.60(2).

13. In having transposed the east and west property lines of the Champion property on his map of survey, Wendt has prepared deficient plans, drawings, maps, specifications or reports, in violation of Wis. Adm. Code sec. A-E 8.03(2)(b).

14. In having failed to include on the maps of survey for the Champion survey and the Vosberg survey a waiver provision meeting the requirements of Wis. Adm. Code sec. 7.01(2), Wendt has prepared deficient plans, drawings, maps, specifications or reports, in violation of Wis. Adm. Code sec. A-E 8.03(3)(b).

15. In failing to file the maps of survey for the Champion and the Vosberg surveys in the office of the Dane County Surveyor, as required by Wis. Stats. sec. 59.60(2), Wendt has violated a state law relating to land surveying, in violation of Wis. Adm. Code sec. A-E 8.03(2)(a).

16. The Land Surveyors Section of the board and Mark R. Wendt agree that appropriate discipline to be imposed in this matter is a public reprimand.

Dated at Madison, Wisconsin this 12 <sup>JANUARY 89</sup> day of ~~October~~, 1988.

STATE OF WISCONSIN  
EXAMINING BOARD OF ARCHITECTS,  
PROFESSIONAL ENGINEERS, DESIGNERS AND  
LAND SURVEYORS

by Donald L. Paulson  
Donald L. Paulson, R.L.S., P.E.  
Chairman, Land Surveyors Section

Dated at Madison, Wisconsin this day of 18th Nov, 1988.

Donald E. Carroll  
Donald E. Carroll  
Attorney for Mr. Wendt

Dated at Madison, Wisconsin this day of 29th Nov, 1988.

Mark R. Wendt  
Mark R. Wendt, R. Wendt, R.L.S.

Dated at Madison, Wisconsin this day of 7th January 1989, 1988.

Sherry Steffel  
Sherry Steffel, Attorney  
Department of Regulation & Licensing

WRA:jrb  
BDLS-320